

**General Docket
Eighth Circuit Court of Appeals**

Court of Appeals Docket #: 17-1346

Docketed: 02/15/2017
Termed: 08/05/2019

Nature of Suit: 2895 Freedom of Information

Argus Leader Media v. Food Marketing Institute

Appeal From: U.S. District Court for the District of South Dakota - Sioux Falls

Fee Status: paid - cs

Case Type Information:

- 1) Civil
- 2) United States as a party
- 3) null

Originating Court Information:

District: 0869-4 : [4:11-cv-04121-KES](#)

Court Reporter: Jill Maurine Connelly

Trial Judge: Karen E. Schreier, U.S. District Judge

Date Filed: 08/25/2011

Date Order/Judgment:

11/30/2016

Date NOA Filed:

02/14/2017

Date Rec'd COA:

02/14/2017

Prior Cases:

[12-3765](#) **Date Filed:** 11/21/2012 **Date Disposed:** 01/28/2014 **Disposition:** Reversed and Remanded

Current Cases:

None

Argus Leader Media, doing business as Argus Leader
Plaintiff - Appellee

Jon E. Arneson
Direct: 605-335-0083
[NTC Retained]
202
123 S. Main Avenue

v.

United States Department of Agriculture
Defendant

Food Marketing Institute
Intervenor Defendant - Appellant

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[NTC Retained]
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National Grocers Association
Amicus on Behalf of Appellant(s)

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J. Mason Weeda
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600 New Hampshire Avenue, N.W.

Washington, DC 20037

Argus Leader Media, doing business as Argus Leader

Plaintiff - Appellee

v.

United States Department of Agriculture

Defendant

Food Marketing Institute

Intervenor Defendant - Appellant

National Grocers Association

Amicus on Behalf of Appellant(s)

- 02/15/2017  4 pg, 20.34 KB Civil case docketed. [4501828] [17-1346] (CYZ) [Entered: 02/15/2017 10:35 AM]
- 02/15/2017  34 pg, 309.43 KB Originating court document filed consisting of notice of appeal, docket entries, order of 11/30/2016, judgment of 11/30/2016 [4501843] [17-1346] (CYZ) [Entered: 02/15/2017 10:44 AM]
- 02/15/2017  2 pg, 17.03 KB BRIEFING SCHEDULE SET AS FOLLOWS:
Transcript due on or before 03/27/2017. Appendix due 04/06/2017. BRIEF APPELLANT, Food Marketing Institute due 04/06/2017
Appellee brief is due 30 days from the date the court issues the Notice of Docket Activity filing the brief of appellant.
Appellant reply brief is due 14 days from the date the court issues the Notice of Docket Activity filing the appellee brief. [4501844] [17-1346] (CYZ) [Entered: 02/15/2017 10:45 AM]
- 02/15/2017 APPEARANCE filed by Jon E. Arneson for Appellee Argus Leader Media w/service 02/15/2017 [4501936] [17-1346] ATTACHED DOCUMENT BLANK - COUNSEL CONTACTED TO REFILE--[Edited 02/16/2017 by MER] (JEA) [Entered: 02/15/2017 11:52 AM]
- 02/15/2017  1 pg, 64.68 KB CORPORATE disclosure statement filed by Appellee Argus Leader Media. - FOR CAL [4501942] [17-1346] (JEA) [Entered: 02/15/2017 11:56 AM]
- 02/16/2017  1 pg, 70.84 KB APPEARANCE filed by Jon E. Arneson for Appellee Argus Leader Media w/service 02/16/2017 [4502392] [17-1346] (JEA) [Entered: 02/16/2017 10:24 AM]
- 02/16/2017  1 pg, 43.1 KB APPEARANCE filed by Daniel R. Fritz for Appellant Food Marketing Institute w/service 02/16/2017 [4502423] [17-1346] (DRF) [Entered: 02/16/2017 10:39 AM]
- 02/16/2017  3 pg, 135.35 KB APPEARANCE filed by Gavin Villareal; Thomas Phillips; Stephanie Cagniart for Appellant Food Marketing Institute w/service 02/16/2017 [4502433] [17-1346] (DRF) [Entered: 02/16/2017 10:44 AM]
- 02/16/2017  3 pg, 77.28 KB CORPORATE disclosure statement filed by Appellant Food Marketing Institute. - FOR CAL [4502441] [17-1346] (DRF) [Entered: 02/16/2017 10:47 AM]
- 02/21/2017  1 pg, 42.18 KB Originating court document filed consisting of order dated 02/28/2017 denying motion for extension to file affidavit in support of motion for attorney's fees. [4503382] [17-1346] (CYZ) [Entered: 02/21/2017 08:35 AM]
- 02/27/2017  3 pg, 76.38 KB STATEMENT of issues, METHOD of Appendix (separate), filed by Appellant Food Marketing Institute - w/service 02/27/2017. [4505827] [17-1346]--[Edited 02/28/2017 by MER] (DRF) [Entered: 02/27/2017 02:10 PM]
- 03/07/2017  6 pg, 186.64 KB MOTION for extension of time to file brief until 05/08/2017, filed by Mr. Daniel Robert Fritz, Jr. for Appellant Food Marketing Institute, Ms. Stephanie F. Cagniart for Appellant Food Marketing Institute, Mr. Thomas R. Phillips for Appellant Food Marketing Institute and Mr. Gavin R. Villareal for Appellant Food Marketing Institute w/service 03/07/2017. [4509537] [17-1346] (DRF) [Entered: 03/07/2017 04:14 PM]
- 03/08/2017 On December 1, 2016, the Federal Rules of Appellate Procedure were amended to require a certificate of compliance for motions filed under Rule 27, certifying that the document complies with the type-volume limitations and stating the number of words in the document. Your recently filed motion did not contain this certificate of compliance.
No action will be taken on your motion for extension of time to file brief, [4509537-2], submitted by Mr. Daniel Robert Fritz, in 17-1346 , pending the filing of a certificate of

compliance using the 'Certificate of Compliance' event. Please do not refile your motion [17-1346] (MR) [Entered: 03/08/2017 12:00 PM]

- 03/08/2017  3 pg, 71.13 KB CERTIFICATE OF COMPLIANCE filed by Mr. Daniel Robert Fritz, Jr. for Appellant Food Marketing Institute, Ms. Stephanie F. Cagniart for Appellant Food Marketing Institute, Mr. Thomas R. Phillips for Appellant Food Marketing Institute and Mr. Gavin R. Villareal for Appellant Food Marketing Institute correcting [4509537-2] motion filed by null. [4510111] [17-1346] (DRF) [Entered: 03/08/2017 03:32 PM]
- 03/09/2017  1 pg, 8.99 KB CLERK ORDER:Granting [4509537-2] motion for extension of time to file brief filed by Mr. Daniel Robert Fritz, Jr., Brief of Appellant Food Marketing Institute due 05/08/2017. Appendix due on 05/08/2017. [4510335] [17-1346] (MR) [Entered: 03/09/2017 09:44 AM]
- 03/26/2017  2 pg, 39.76 KB Motion of Court Reporter Ms. Jill Maurine Connelly for extension of time to file transcript until 04/27/2017. w/service 03/26/2017. [4516224] [17-1346] (JMC) [Entered: 03/26/2017 03:14 PM]
- 03/27/2017  1 pg, 9.1 KB CLERK ORDER:Granting [4516224-2] Court Reporter motion for 30-day extension of time to file transcript filed by Ms. Jill Maurine Connelly. Transcript now due on 04/26/2017. Brief of Food Marketing Institute due 05/10/2017. Appendix due on 05/10/2017 [4516621] [17-1346] (MR) [Entered: 03/27/2017 03:12 PM]
- 03/30/2017  0 pg, 0 KB RECORD FILED - EXHIBITS, Comments: 1 expandable folder of trial exhibits - see attached Exhibit List, Source Location: DC [4518402] [17-1346] (CYZ) [Entered: 03/30/2017 02:31 PM]
- 04/20/2017  2 pg, 8.08 KB Motion of Court Reporter Ms. Jill Maurine Connelly for extension of time to file transcript until 06/19/2017. w/service 04/20/2017. [4526555] [17-1346] (CAH) [Entered: 04/20/2017 10:19 AM]
- 04/20/2017  1 pg, 9.04 KB CLERK ORDER:Granting [4526555-2] Court Reporter motion extension of time to file transcript filed by Ms. Jill Maurine Connelly. Transcript now due on 06/19/2017. Brief of Food Marketing Institute due 07/03/2017. Appendix due on 07/03/2017 [4526951] [17-1346] (MR) [Entered: 04/20/2017 04:11 PM]
- 06/20/2017  8 pg, 32.04 KB MOTION for extension of time to file brief until 08/11/2017, filed by Attorney Mr. Gavin R. Villareal for Appellant Food Marketing Institute w/service 06/20/2017. [4548869] [17-1346] (GRV) [Entered: 06/20/2017 10:23 AM]
- 06/21/2017  1 pg, 8.99 KB CLERK ORDER:Granting [4548869-2] motion for extension of time to file brief filed by Mr. Gavin R. Villareal. Brief of Appellant Food Marketing Institute due 08/11/2017. Appendix due on 08/11/2017. [4549540] [17-1346] (MR) [Entered: 06/21/2017 11:41 AM]
- 06/22/2017  REBUTTAL TESTIMONY - Dist. Ct. Doc. #187, Source Location: DC, Dt. of Proceeding/Hearing: 05/25/2016, No. of Pgs.: 35, Court Reporter: Connelly, Jill Maurine - COPY DO NOT RETURN [4549947] [17-1346] (CYZ) [Entered: 06/22/2017 10:48 AM]
- 06/22/2017  PRETRIAL CONFERENCE - Dist. Ct. Doc. #184, Source Location: DC, Dt. of Proceeding/Hearing: 05/19/2016, No. of Pgs.: 23, Court Reporter: Connelly, Jill Maurine - COPY DO NOT RETURN [4549948] [17-1346] (CYZ) [Entered: 06/22/2017 10:49 AM]
- 06/22/2017  VOLUMES I & II - Dist. Ct. Doc. #185 & 185-1, Source Location: DC, Dt. of Proceeding/Hearing: 05/24/2016-

- 08/03/2017  10 pg, 496.79 KB Originating court document filed consisting order dated 08/03/2017 granting motion for attorney fees and costs. [4564741] [17-1346] (CYZ) [Entered: 08/03/2017 03:18 PM]
- 08/11/2017  0 pg, 0 KB APPELLANT brief of Food Marketing Institute submitted for review. The time for filing the subsequent brief (if any) does not begin to run until the brief has been approved and filed. To open/view this brief, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. [4567788] [17-1346] (GRV) [Entered: 08/11/2017 05:21 PM]
- 08/11/2017  0 pg, 0 KB Addendum of APPELLANT submitted for review by Food Marketing Institute [4567789] [17-1346] (GRV) [Entered: 08/11/2017 05:24 PM]
- 08/15/2017  1 pg, 14.84 KB Brief deficiency notice sent to counsel, Attorney Mr. Gavin R. Villareal for Appellant Food Marketing Institute. [4568406] [17-1346] (MR) [Entered: 08/15/2017 09:40 AM]
- 08/15/2017  24 pg, 1.65 MB **ADDENDUM** of APPELLANT FILED by Appellant Food Marketing Institute , w/service 08/11/2017 [4568411] [17-1346] (MR) [Entered: 08/15/2017 09:47 AM]
- 08/15/2017  0 pg, 0 KB APPELLANT brief of Food Marketing Institute submitted for review. The time for filing the subsequent brief (if any) does not begin to run until the brief has been approved and filed. To open/view this brief, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. [4568501] [17-1346] (GRV) [Entered: 08/15/2017 11:11 AM]
- 08/16/2017  67 pg, 378.04 KB **BRIEF FILED** - APPELLANT BRIEF filed by Food Marketing Institute. w/service 08/15/2017 , Length: 12,822 words
10 COPIES OF PAPER BRIEFS FROM Food Marketing Institute due 08/21/2017 WITH certificate of service for paper briefs
. Brief of Appellee Argus Leader Media due on 09/15/2017 [4568987] [17-1346] (MR) [Entered: 08/16/2017 10:43 AM]
- 08/17/2017  4 pg, 88.17 KB MOTION for extension of time to file brief until 10/02/2017, filed by Attorney Mr. Jon E. Arneson for Appellee Argus Leader Media w/service 08/17/2017. [4569812] [17-1346] (JEA) [Entered: 08/17/2017 02:51 PM]
- 08/18/2017  28 pg, 103.13 KB MOTION interested party, National Grocers Association , for leave to file amicus curiae brief on behalf of Appellant - Food Marketing Institute. w/service 08/18/2017. [4570511] [17-1346] ATTACHED REQUIRED CERTIFICATE OF COMPLIANCE--[Edited 08/21/2017 by MER] (SDF) [Entered: 08/18/2017 04:34 PM]
- 08/21/2017  15 pg, 947.11 KB RESPONSE in opposition to motion [4570511-2], Interested Party motion [4570511-3] filed by Attorney Mr. Jon E. Arneson for Appellee Argus Leader Media , w/service 08/21/2017. [4570744] [17-1346] (JEA) [Entered: 08/21/2017 02:03 PM]
- 08/21/2017 On December 1, 2016, the Federal Rules of Appellate Procedure were amended to require a certificate of compliance for motions filed under Rule 27, certifying that the document complies with the type-volume limitations and stating the number of words in the document. Your recently filed motion does not contain this certificate of compliance.
No action will be taken on your motion for extension of time to file brief, [4569812-2], submitted by Mr. Jon E. Arneson in 17-1346 , pending the filing of a certificate of compliance using the 'Certificate of Compliance' event. Please do not refile your motion [17-1346] (MR) [Entered: 08/21/2017 02:12 PM]
- 08/21/2017 On December 1, 2016, the Federal Rules of Appellate Procedure were amended to require a

- 017 certificate of compliance for motions/responses filed under Rule 27, certifying that the document complies with the type-volume limitations and stating the number of words in the document. Your recently filed response did not contain this certificate of compliance.
No action will be taken on your response in opposition to motion, [4570744-2], submitted by Mr. Jon E. Arneson in 17-1346 , pending the filing of a certificate of compliance using the 'Certificate of Compliance' event. Please do not refile your document [17-1346] (MR) [Entered: 08/21/2017 02:16 PM]
- 08/21/2 PUBLIC DOCKET NOTE: Contacted counsel for interested party, National Grocers
017 Association, and requested the required certificate of compliance for Motion for Leave to file Amicus Brief on behalf of Appellant. [17-1346] (MR) [Entered: 08/21/2017 02:18 PM]
- 08/21/2 CERTIFICATE OF COMPLIANCE filed by Attorney Mr. Jon E. Arneson for Appellee Argus
017 Leader Media correcting [4569812-2] motion filed by Attorney. [4570814] [17-1346] (JEA)
[Entered: 08/21/2017 03:51 PM]
- 08/21/2 CERTIFICATE OF COMPLIANCE filed by Attorney Mr. Jon E. Arneson for Appellee Argus
017 Leader Media correcting [4570744-2] response filed by Attorney. [4570821] [17-1346] (JEA)
[Entered: 08/21/2017 04:02 PM]
- 08/21/2 CLERK ORDER:Granting [4569812-2] motion for extension of time to file brief filed by Mr.
017 Jon E. Arneson. Brief of Appellee Argus Leader Media due 10/02/2017. [4570822] [17-1346]
(MR) [Entered: 08/21/2017 04:05 PM]
- 08/21/2 Paper copies Appellant/Petitioner Brief, [4568987-2] filed by Food Marketing Institute. 10
017 paper copies received. w/Addendum attached
[4571153] [17-1346] (MR) [Entered: 08/22/2017 01:50 PM]
- 08/21/2 RECORD FILED - APLNT/PET APPENDIX, 1 volume, Location STL, Comments: 3 copies
017 [4571154] [17-1346] (MR) [Entered: 08/22/2017 01:54 PM]
- 08/23/2 JUDGE ORDER:Granting [4570511-2] motion leave to file amicus brief. National Grocers
017 Association in 17-1346 has been changed to an amicus in this case. Adp Sep 2017
[4571851] [17-1346] (MR) [Entered: 08/23/2017 04:02 PM]
- 08/23/2 **BRIEF FILED - AMICUS BRIEF** filed by National Grocers Association w/service 08/23/2017 ,
017 Length: 3,392 words
**10 COPIES OF PAPER BRIEFS FROM National Grocers Association due 08/28/2017
WITH certificate of service for paper briefs**
[4571862] [17-1346] (MR) [Entered: 08/23/2017 04:14 PM]
- 08/28/2 Paper copies Amicus Brief, [4571862-2] filed by National Grocers Association. 10 paper
017 copies received.
[4573133] [17-1346] (MR) [Entered: 08/28/2017 02:03 PM]
- 08/29/2 APPEARANCE filed by Stewart Fried for Amicus on Behalf of Appellant(s) National Grocers
017 Association w/service 08/29/2017 [4573768] [17-1346] (SDF) [Entered: 08/29/2017 03:35
PM]
- 09/18/2 MOTION for extension of time to file brief until 10/16/2017, filed by Attorney Mr. Jon E.
017 Arneson for Appellee Argus Leader Media w/service 09/18/2017. [4580066] [17-1346] (JEA)
[Entered: 09/18/2017 03:00 PM]
- 09/18/2 CLERK ORDER:Granting [4580066-2] motion for extension of time to file brief filed by Mr.
017 Jon E. Arneson. Brief of Appellee Argus Leader Media due 10/16/2017. [4580126] [17-1346]

017	1 pg, 8.97 KB	(MR) [Entered: 09/18/2017 04:06 PM]
10/16/2 017	 0 pg, 0 KB	APPELLEE brief of Argus Leader Media submitted for review. The time for filing the subsequent brief (if any) does not begin to run until the brief has been approved and filed. To open/view this brief, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. [4589654] [17-1346] (JEA) [Entered: 10/16/2017 10:55 AM]
10/17/2 017	 63 pg, 451.78 KB	BRIEF FILED - APPELLEE BRIEF filed by Argus Leader Media, w/service 10/16/2017 , Length: 12,628 words 10 COPIES OF PAPER BRIEFS FROM Argus Leader Media due 10/23/2017 WITH certificate of service for paper briefs . Reply brief of Food Marketing Institute due on 10/31/2017. [4590502] [17-1346] (MR) [Entered: 10/17/2017 04:07 PM]
10/19/2 017	 7 pg, 104.34 KB	MOTION for extension of time to file brief until 11/30/2017, filed by Mr. Gavin R. Villareal for Appellant Food Marketing Institute and Mr. Daniel Robert Fritz, Jr. for Appellant Food Marketing Institute w/service 10/19/2017. [4591268] [17-1346] (GRV) [Entered: 10/19/2017 11:18 AM]
10/20/2 017	 1 pg, 9.02 KB	CLERK ORDER:Granting [4591268-2] motion for extension of time to file brief filed by Mr. Daniel Robert Fritz, Jr. and Mr. Gavin R. Villareal. Reply brief of Food Marketing Institute due 11/30/2017 [4591854] [17-1346] (MR) [Entered: 10/20/2017 12:07 PM]
10/23/2 017		Paper copies Appellee/Respondent brief, [4590502-2] filed by Argus Leader Media. 10 paper copies received. [4592840] [17-1346] (MR) [Entered: 10/24/2017 11:26 AM]
10/23/2 017		RECORD FILED - APLEE/RES APPENDIX, 1 volume, Location STL, Comments: 3 copies [4592844] [17-1346] (MR) [Entered: 10/24/2017 11:27 AM]
11/07/2 017		Please note that this case has been screened for oral argument. The exact date of your oral argument has not been determined at this time. You will be receiving a calendar approximately 4 weeks before the scheduled argument date. Please review the current and future argument dates immediately to determine if you have any conflicts. Click Here to View Published Argument Calendars and Future Court Session Dates and Locations
		If you do have conflicts with any of the argument dates, please inform this court by sending a letter using the ECF docketing event 'Correspondence to Court', 'Letter filed' 'regarding availability for oral argument'. Your compliance with this policy will minimize the need for motions to continue or reschedule oral argument. The court also encourages you to notify the clerk if conflicts with these dates develop in the future. The clerk's office takes conflict dates into consideration in scheduling oral arguments but cannot guarantee that every request will be honored. [4598184] [17-1346] (BWB) [Entered: 11/07/2017 03:54 PM]
11/30/2 017	 0 pg, 0 KB	REPLY brief of Food Marketing Institute submitted for review. The time for filing the subsequent brief (if any) does not begin to run until the brief has been approved and filed. To open/view this brief, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. [4605719] [17-1346] (GRV) [Entered: 11/30/2017 03:17 PM]
11/30/2 017	 35 pg, 295.3 KB	BRIEF FILED - APPELLANT REPLY BRIEF filed by Food Marketing Institute. w/service 11/30/2017 , Length: 6,499 words 10 COPIES OF PAPER BRIEFS WITHOUT THE APPELLATE PDF HEADER FROM Food Marketing Institute due 12/05/2017 WITH certificate of service for paper briefs [4605783] [17-1346] (MR) [Entered: 11/30/2017 04:12 PM]

- 12/05/2
017 Paper copies Reply brief, [[4605783-2](#)] filed by Food Marketing Institute. 10 paper copies received.
[4607137] [17-1346] (MR) [Entered: 12/05/2017 01:41 PM]
- 02/08/2
018 **SET FOR ARGUMENT - CASE PLACED ON CALENDAR - *for Argument in St. Paul on Wednesday, March 14, 2018.*** To be heard before **Judges Raymond W. Gruender, C. Arlen Beam and Jane Kelly in Division I.** The courtroom deputy will be Janet Michaels. All attorneys presenting oral argument must complete a Response Form. [Click Here to Complete the Oral Argument Response Form.](#) [Click Here for the Complete Calendar](#)
PLEASE REVIEW THE ENTIRE CALENDAR CAREFULLY, PARTICULARLY THE COUNSEL NOTICE PAGE. *If you are appointed counsel under the Criminal Justice Act and require airline transportation to oral argument, the court will issue a travel authorization the next business day.* [4628351] [17-1346] (TAB) [Entered: 02/08/2018 03:00 PM]
- 02/08/2
018  1 pg, 91.67 KB ARGUMENT RESPONSE/APPEARANCE FORM filed by Mr. Jon E. Arneson for Argus Leader Media for argument in March, at the U.S. Courthouse in St. Paul, Minnesota.
[4628480] [17-1346] (JEA) [Entered: 02/08/2018 04:54 PM]
- 02/12/2
018  1 pg, 109.84 KB ARGUMENT RESPONSE/APPEARANCE FORM filed by Mr. Gavin R. Villareal for Food Marketing Institute Villareal/Food Marketing Institute for argument in March, at the U.S. Courthouse in St. Paul, Minnesota. [4628990] [17-1346] (GRV) [Entered: 02/12/2018 09:21 AM]
- 03/14/2
018 **ARGUED & SUBMITTED in St. Paul** to Judges Raymond W. Gruender, C. Arlen Beam, Jane Kelly on 03/14/2018 Mr. Gavin R. Villareal for Appellant Food Marketing Institute and Mr. Jon E. Arneson for Appellee Argus Leader Media. Rebuttal by Mr. Gavin R. Villareal for Food Marketing Institute **RECORDED.** [Click Here To Listen to Oral Argument](#) [4639263] [17-1346] (JMM) [Entered: 03/14/2018 10:03 AM]
- 05/08/2
018 **VACATED PURSUANT TO THE JUDGMENT OF 08/05/2019** OPINION FILED - THE COURT: Raymond W. Gruender, C. Arlen Beam and Jane Kelly
AUTHORING JUDGE:Jane Kelly (PUBLISHED) [4659075] [17-1346]--[Edited 08/05/2019 by HAG] (MR) [Entered: 05/08/2018 08:29 AM]
- 05/08/2
018 **JUDGMENT FILED** - The judgment of the Originating Court is AFFIRMED in accordance with the opinion. RAYMOND W. GRUENDER, C. ARLEN BEAM and JANE KELLY Hrg Mar 2018 [4659084] [17-1346]
THE JUDGMENT IS VACATED PURSUANT TO THE ORDER OF 07/31/2019.--[Edited 07/31/2019 by AMT] (MR) [Entered: 05/08/2018 08:37 AM]
- 05/08/2
018  1 pg, 10.45 KB LETTER from Mr. Jon E. Arneson for Argus Leader Media regarding rehearing time allowed. w/service 05/08/2018 [4659424] [17-1346] (MR) [Entered: 05/08/2018 03:59 PM]
- 05/10/2
018  9 pg, 58.43 KB MOTION for extension of time to file petition for rehearing until 06/21/2018, filed by Attorney Mr. Gavin R. Villareal for Appellant Food Marketing Institute w/service 05/10/2018. [4660222] [17-1346] (GRV) [Entered: 05/10/2018 12:11 PM]
- 05/14/2
018  1 pg, 9.38 KB JUDGE ORDER:Granting [[4660222-2](#)] motion for extension of time to file rehearing filed by Mr. Gavin R. Villareal for Appellant Food Marketing Institute. Petition for rehearing due on 06/21/2018. Hrg Mar 2018 [4660957] [17-1346] (MR) [Entered: 05/14/2018 10:05 AM]
- 05/15/2
018  3 pg, 88.51 KB MOTION for attorney fees in the amount of to be determined on remand., filed by Attorney Mr. Jon E. Arneson for Appellee Argus Leader Media w/service 05/15/2018. [4661656] [17-1346] (JEA) [Entered: 05/15/2018 11:37 AM]

- 05/15/2018  3 pg, 88.83 KB MOTION for limited remand, filed by Attorney Mr. Jon E. Arneson for Appellee Argus Leader Media w/service 05/15/2018. [4661673] [17-1346] (JEA) [Entered: 05/15/2018 11:45 AM]
- 05/21/2018  12 pg, 40.54 KB RESPONSE in opposition to motion for remand [\[4661673-2\]](#), motion for attorney fees [\[4661656-2\]](#) filed by Attorney Mr. Gavin R. Villareal for Appellant Food Marketing Institute , w/service 05/21/2018. [4663637] [17-1346] (GRV) [Entered: 05/21/2018 11:28 AM]
- 06/04/2018  1 pg, 9.28 KB JUDGE ORDER: Pursuant to Eighth Circuit Rule 47C(b), Argus Leaderâ€™s motion for limited remand dated May 15, 2018, is granted. The case is remanded to the district court with instructions to determine the availability of attorneyâ€™s fees pursuant to 5 U.S.C. Â§ 552, and to enter judgment accordingly. [\[4661656-2\]](#) [\[4661673-2\]](#) Hrg Mar 2018 [4668745] [17-1346] (MR) [Entered: 06/04/2018 01:26 PM]
- 06/21/2018  41 pg, 246.36 KB PETITION for en banc rehearing and also for rehearing by panel filed by Appellant Food Marketing Institute w/service 06/21/2018 [4674655] [17-1346] (GRV) [Entered: 06/21/2018 09:52 AM]
- 07/13/2018  1 pg, 8.93 KB JUDGE ORDER: Denying [\[4674655-2\]](#) petition for en banc rehearing filed by Appellant Food Marketing Institute. The petition for panel rehearing is also denied. [\[4674655-3\]](#) PUBLISHED ORDER. Hrg Mar 2018 [4682115] [17-1346] (MR) [Entered: 07/13/2018 10:03 AM]
- 07/19/2018  21 pg, 92.78 KB MOTION to stay mandate, filed by Attorney Mr. Gavin R. Villareal for Appellant Food Marketing Institute w/service 07/19/2018. [4684120] [17-1346]--[Edited 07/19/2018 by MER] (GRV) [Entered: 07/19/2018 08:52 AM]
- 07/30/2018  11 pg, 150.94 KB RESPONSE in opposition to motion to stay the mandate [\[4684120-2\]](#) filed by Attorney Mr. Jon E. Arneson for Appellee Argus Leader Media , w/service 07/30/2018. [4687715] [17-1346] (JEA) [Entered: 07/30/2018 12:38 PM]
- 07/31/2018  11 pg, 33.81 KB REPLY to response [\[4687715-2\]](#) filed by Appellant Food Marketing Institute w/service 07/31/2018. [4688670] [17-1346] (GRV) [Entered: 07/31/2018 05:39 PM]
- 08/07/2018  1 pg, 9.08 KB JUDGE ORDER: Denying [\[4684120-2\]](#) motion to stay the mandate filed by Mr. Gavin R. Villareal for Appellant Food Marketing Institute. Hrg Mar 2018 [4690894] [17-1346] (MR) [Entered: 08/07/2018 11:15 AM]
- 08/07/2018 MANDATE ISSUED. [4690900] [17-1346]
MANDATE RECALLED - SEE ORDER OF 08/29/2018--[Edited 10/18/2018 by MER] (MR) [Entered: 08/07/2018 11:21 AM]
- 08/29/2018  2 pg, 43.42 KB SUPREME COURT order filed. The application to recall and stay the mandate, presented to Justice Gorsuch and by him referred to the Court, is granted, and the mandate of the United States Court of Appeals for the Eighth circuit in case No. 17-1346 is recalled and stayed pending the timely filed and disposition of a petition for a writ of certiorari. Should the petition for a writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for a writ of certiorari is granted, the stay shall terminate upon the sending down of the judgment of this court.
Justice Ginsburg, Justice Sotomayor, and Justice Kagan would deny the application. [4699372] [17-1346] (SRD) [Entered: 08/29/2018 11:56 AM]
- 08/29/2018  1 pg, 9.07 KB CLERK ORDER: Pursuant to the order of the U.S. Supreme Court, dated August 29, 2018, the mandate is hereby recalled and stayed pending the disposition of a petition for a writ of certiorari. [4699383] [17-1346] (SRD) [Entered: 08/29/2018 12:01 PM]

10/15/2 018	 2 pg, 66.19 KB	U.S. Supreme Court Notice of cert filed in the Supreme Court on 10/11/2018, case No. 18-481 [4717214] [17-1346] (MR) [Entered: 10/18/2018 03:39 PM]
11/08/2 018	 1 pg, 8.55 KB	RECORD RETURNED - EXHIBITS, Comments: 1 expandable folder of trial exhibits - see attached Exhibit List, SENT -END OF CASE [4724228] [17-1346] (JJF) [Entered: 11/08/2018 09:27 AM]
01/11/2 019	 2 pg, 77.24 KB	SUPREME COURT order filed granting cert petition. Order filed on 01/11/2019 in case No.18-481. [4752959] [17-1346] (MR) [Entered: 02/04/2019 04:22 PM]
03/21/2 019	 2 pg, 55.15 KB	Supreme Court letter/notice filed: requesting 8th Cir. record [17-1346] (AMT) [Entered: 03/21/2019 02:51 PM]
03/22/2 019	 1 pg, 92.76 KB	8th Circuit record sent to Supreme Court on 03/22/2019 - consisting of the complete copy of pleadings,all briefs of record,3 volumes of transcript and 1 sealed volume of transcript 2 volumes of appendicies. [17-1346] (JJF) [Entered: 03/22/2019 09:07 AM]
06/24/2 019	 20 pg, 124.53 KB	U.S. SUPREME COURT opinion filed on 06/24/2019 in case 18-481. Ruling of the Supreme Court: Reverse and Remand [4804886] [17-1346] (AMT) [Entered: 07/03/2019 03:59 PM]
07/26/2 019	 3 pg, 180.11 KB	SUPREME COURT JUDGMENT/MANDATE FILED 07/26/2019 in Supreme Court Case 18-481 Supreme Court Ruling: Reversed and Remanded. (See Judgment for complete text) [4814336] [17-1346] (AMT) [Entered: 07/31/2019 04:11 PM]
07/31/2 019	 1 pg, 9.12 KB	CLERK ORDER: Pursuant to the order of the U.S. Supreme Court, dated 06/24/2019, and the U.S. Supreme Court's mandate of 07/26/2019 this court's judgment, dated 05/08/2018 is vacated. [4814339] [17-1346] (AMT) [Entered: 07/31/2019 04:14 PM]
07/31/2 019		CASE REOPENED 1 REOPEN[4814342] [17-1346] (AMT) [Entered: 07/31/2019 04:16 PM]
07/31/2 019		CASE SUBMITTED Supreme Ct. remand before Judges Raymond W. Gruender, C. Arlen Beam, Jane Kelly in St. Louis [4815779] [17-1346] (HAG) [Entered: 08/05/2019 03:29 PM]
08/05/2 019	 1 pg, 9.78 KB	JUDGMENT FILED - The court's opinion of May 8, 2018 is hereby vacated pursuant to Food Marketing Institute v. Argus Leader Media, 139 S. Ct. 2356 (2019), and the case is remanded to the United States District Court for the District of South Dakota for further proceedings in light of that decision. Mandate shall be issued forthwith. RAYMOND W. GRUENDER, C. ARLEN BEAM and JANE KELLY Hrg Mar 2018 [4815797] [17-1346] (HAG) [Entered: 08/05/2019 03:43 PM]
08/05/2 019	 1 pg, 9.1 KB	MANDATE ISSUED. [4815802] [17-1346] (HAG) [Entered: 08/05/2019 03:52 PM]
